

9263. Misbranding of Sirop D'Anis (Sirup of Anise). U. S. * * * v. Certain Bottles of Sirop D'Anis. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 12835 to 12840, inclusive, 12852 to 12860, inclusive, 12983. I. S. Nos. 451-r, 445-r, 453-r, 467-r, 465-r, 456-r, 454-r, 462-r, 1181-r, 448-r, 447-r, 466-r, 463-r, 460-r, 459-r, 458-r. S. Nos. E-2325 to E-2330, inclusive, E-2346 to E-2348, inclusive, E-2351 to E-2356, inclusive, E-2405.)

On June 12 and 29, 1920, respectively, the United States attorney for the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of certain bottles of Sirop D'Anis, remaining unsold in the original unbroken packages at various places in Connecticut, and on August 24, 1920, filed amended libels in certain instances, alleging that the article had been shipped by J. A. E. Gauvin, Lowell, Mass., between the dates June 7, 1918, and May 21, 1920, and transported from the State of Massachusetts into the State of Connecticut, and charging misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: (Bottles) " * * *. For Babies * * * This preparation is highly recommended in cases of Colic, Dysentery, Sleeplessness and painful dentition. * * *," (French) "For Babies This syrup is administered in cases of Colic, Diarrhea, Dysentery, Painful Dentition, Sleeplessness, Coughs, Colds, etc. * * *." The remainder of the article was labeled in part: (Bottles) " * * * For Babies * * * A preparation for soothing pain in cases of Colic, Dysentery, Coughs & Colds, recommended for babies and children when process of dentition is painful. * * *." All consignments of the article were further labeled in part: (Wrapper) " * * * For Babies * * * This Syrup is administered for Infantile Colics, Dysentery, Coughs, Colds, Sleeplessness, etc. * * *," (French) " * * * For Babies This syrup is administered in cases of Colic, Diarrhea, Dysentery, Painful Dentition, Coughs, Colds, Sleeplessness, etc.;" (circular) " * * * (For Babies) * * * A preparation for soothing pain in cases of Colic, Dysentery, Coughs, Colds and Sleeplessness. Recommended for babies and children when the process of dentition is painful. * * *," (French) " * * * For Babies * * * A preparation for soothing pain in cases of Colic, Dysentery, Colds and Chills (Refroidissements). Recommended for babies and children when dentition is painful and when wanting sleep. * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of morphine acetate, oil of anise, alcohol, sugar, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements, regarding the therapeutic and curative effect of said article, were false, fraudulent, and misleading, and were applied to said article so as to represent falsely and fraudulently, and to create in the minds of purchasers thereof the impression and belief, that the article was composed of or contained ingredients or medicinal agents effective as a remedy for colic, dysentery, diarrhea, coughs, colds, etc., when, in truth and in fact, it was not composed of and did not contain ingredients effective for the purposes named.

On September 15 and October 26, 1920, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*